

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1137

TO 5-0039

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Norfolk Southern Railroad Company ("Company"), Clear Lake Township (Township), and the State of Illinois, Department of Transportation ("Department").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the Petal Road/TR 436 highway-rail grade crossing of the Company's track near Riverton, in Sangamon County, Illinois, designated as crossing AAR/DOT #479 297J, railroad milepost 405.42-WC; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

DOCKETED

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder.
- (b) Installation of temporary STOP signs at the Petal Road/TR 436 crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.
- (c) Reconstruction of the existing north highway approach, to comply with the minimum requirements of 92 Illinois Administrative Code Part 1535.204, and as depicted on the proposed plan (Exhibit C).

Section 3 The Company has prepared a "round figure" estimate of cost (Exhibit B) to accomplish the proposed safety improvements, which it may be required to perform.

The Company shall upon Order, according to the requirements contained therein, prepare and submit detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission. The Company agrees that an appropriate time for the submission of plans should be 90 days from the date of a Commission Order subsequent to this Agreement.

The Township has prepared plans and a preliminary estimate of cost to accomplish the proposed approach improvements, which it may be required to perform. Execution of the Agreement by the Department will be considered as its acceptance and approval of all plans and estimates attached hereto as Exhibit C.

Section 4 The Company and the Township shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order subsequent to this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements should be as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$169,000	(95%) \$160,550 ¹	\$0	Remainder ²	\$0
Modify Existing North Highway Approach	\$28,040	(50%) \$14,020	Remainder ⁴	\$0	\$0
Install temporary STOP Signs, if ordered	No estimate required	\$0	\$0	100% ³	\$0
TOTALS	\$197,040	\$174,570	\$0	--	\$0

Notes:

- ¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$160,550 (95%); any installation costs above the estimated amount of \$169,000 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and approval by the Commission.
- ² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.
- ³ Company responsible for all future maintenance costs associated with the temporary STOP signs.
- ⁴ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$14,020 (50%), with the Township paying all remaining construction costs as well as all future maintenance of the highway approaches.

Section 6 The Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 7 Special Provisions: Since the approach improvements at the subject crossing will be performed by the Township, flagging and contractor liability insurance will be required for said work.

The Township, according to the approach reconstruction plan attached as Exhibit C, proposes a twenty (20) foot wide driving surface with two foot (2') wide shoulders on each side of the road (total roadbed width of 24 feet). The Company should contact the Sangamon County Engineer, Timothy Zahrn, at (217) 535-3070, for coordination of possible field adjustments regarding the signal installation, if necessary.

The Company and the Township shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit E-1 and E-2, along with this executed Agreement.

The Company and the Township shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit E-1 and E-2, regarding the progress each has made toward completion of the work herein required. Each Project Status Report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and the Township Project Manager.

All bills for expenditures for the approach work specified in Section 2 authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to Christine Reed, Region Engineer, District 6, Attn: Terry Fountain, District Six Engineer of Local Roads and Streets, 126 E. Ash, Springfield, Illinois 62704. All other bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly

marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

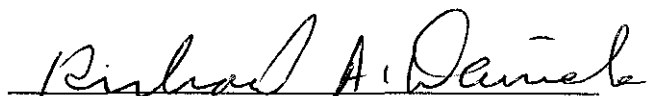
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 13th day of June, 2005.

A handwritten signature in dark ink, appearing to read "M. E. Stead", written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

A handwritten signature in dark ink, appearing to read "Richard A. Daniels", written over a horizontal line.

Richard A. Daniels
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1137 concerning improvements at the Petal Road/TR 436 highway-rail grade crossing of the Norfolk Southern Railway Company tracks near Riverton, Illinois, designated as crossing AAR/DOT #479 297J, railroad milepost 405.42-WC.

Executed by the Department this 24th day of June 2005

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

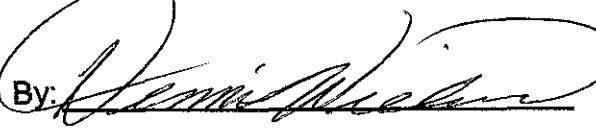
By: Victor A. Modeer
Victor A. Modeer, Director of Highways

By: Charles J. Ingersoll Date: 6-24-05
Charles Ingersoll
Engineer of Local Roads and Streets

Illinois Commerce Commission Stipulated Agreement No. 1137 concerning improvements at the Petal Road/TR 436 highway-rail grade crossing of the Norfolk Southern Railway Company tracks near Riverton, Illinois, designated as crossing AAR/DOT #479 297J, railroad milepost 405.42-WC.

Executed by the Township this 5th day of July 2005

CLEAR LAKE TOWNSHIP

By: 
SUPERVISOR

Attest:


CLEAR LAKE TOWNSHIP CLERK

Illinois Commerce Commission Stipulated Agreement No. 1137 concerning improvements at the Petal Road/TR 436 highway-rail grade crossing of the Norfolk Southern Railway Company tracks near Riverton, Illinois, designated as crossing AAR/DOT #479 297J, railroad milepost 405.42-~~405.42~~.

^
DH-

Executed by the Company this 13th day of July 2005

NORFOLK SOUTHERN RAILWAY
COMPANY

ms

By: HR Comstock
General Manager

Attest:

Mary Ann Kennedy
Asst. Corporate Secretary

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	479 297J, 405.42-WA
STREET, CITY, COUNTY	Petal Road/TR 436, near Riverton, Sangamon County
JURISDICTION (RDWY)	Local
LOCATION	Rural
STREET SURFACE	Chip seal; 20'; good condition

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
W-E	Timber and asphalt	24 feet	good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Old Route 36 is 59 feet to the south
TRAFFIC CONTROL	Stop sign at Old Route 36
ADT & SPEED	350 Vehicles Per Day @ 55 MPH unposted
TRAFFIC TYPE	Passenger, possible School Busses and Hazardous Materials
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	20 Per day @ 60 MPH, 2 Switch Movements, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55 unposted	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	520	FEET
Along Tracks	642	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1441	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	OK*		*	OK now but with corn 50'
NW	OK *		*	OK now but with corn 100'
SE	OK *		*	OK
SW	OK *		*	OK

*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

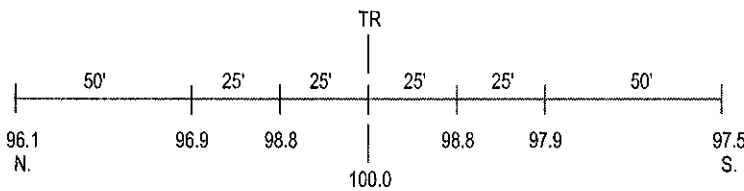
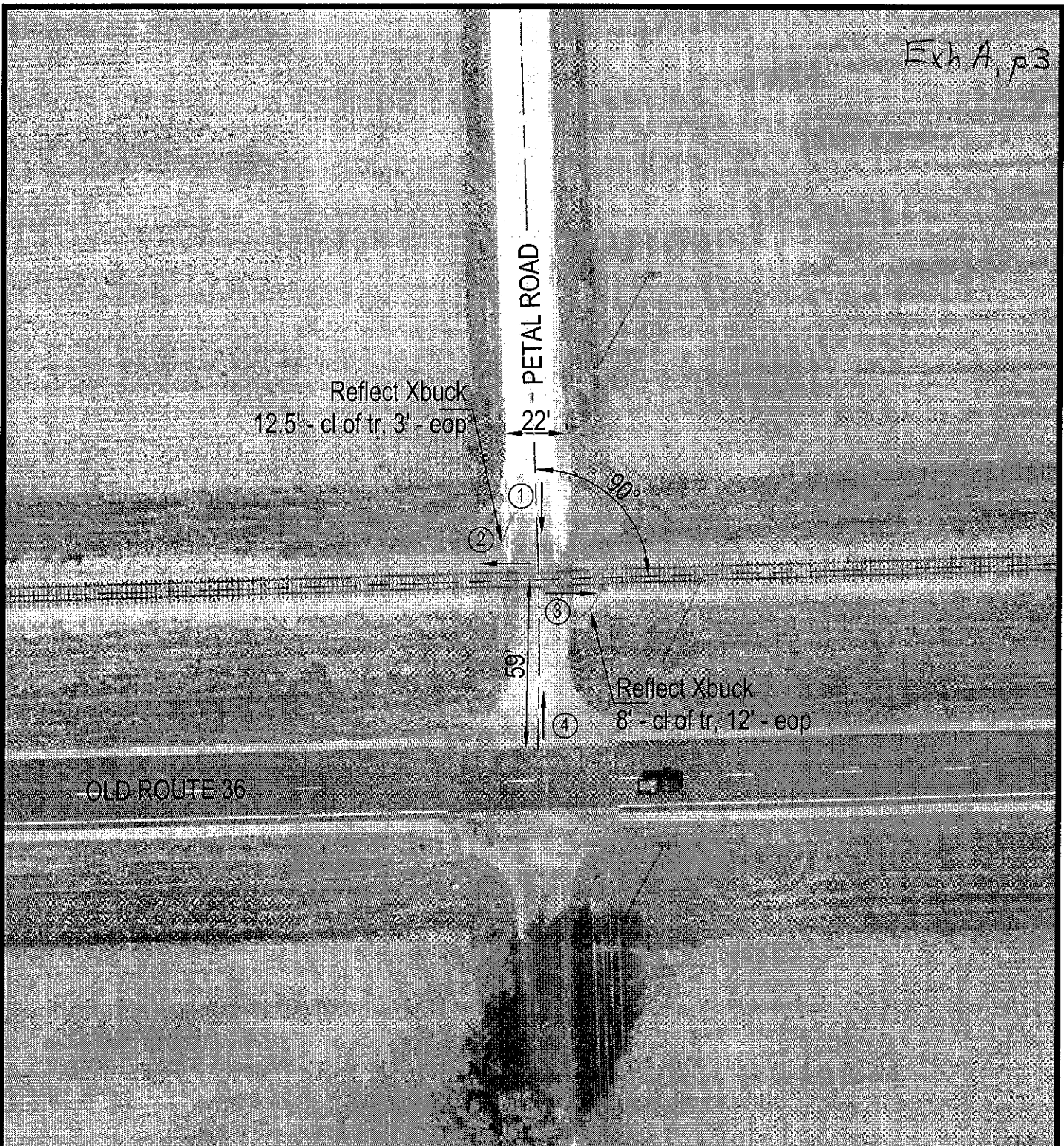
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	98.8	4.8	25	98.8	4.8
50	96.9	7.6	50	97.9	3.6

Distance measured from outermost rail.

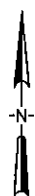
Staff of the Commission's Rail Safety Section recommends that the GCPF pay 95% of the installation costs for new automatic warning devices (round figure estimate of \$169,000) and 50% of the north approach grade reconstruction (estimated at \$28,040). Staff recommends the railroad pay all remaining installation costs for the new signals, as well as all future operating and maintenance costs. Clearlake Township agrees to pay for the remaining north highway approach grade reconstruction costs. The Township has provided sufficient documentation to prove financial hardship, so Staff recommends the GCPF be used to pay the road authority's normal 10% share of signal costs as well as 50% of the approach costs. Due to the close proximity of Old Route 36 south of the tracks (59' from centerline of track to centerline of roadway), Staff recommends the Township not be required to improve the south highway approach grade.

COMMENTS:

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



ROAD PROFILE



③ Photo Location

Crossing #: 479297J
 Location: Sangamon Co., City of Riverton (Near)
 Lat/Long: 39°51'11" / 89°30'24"
 Railroad: NS
 Street: Petal Road
 Railroad Milepost: 405.42
 Crossing Protection: Signs

10-Mar-05

Round Figure Estimate for Grade Crossing Warning Devices

City/Stat RIVERTON, IL
MilePost: DH-405.42
State Proj.
S&E Proj. 04.0628
Man Days: 104

Road: PETAL RD.
DOT/AAR: 479297J
County: SANGAMON
AFE:
File 061-04.0551

*****Purchases - Other*****

Meals and	\$9,420.00	
Rental of	\$20,600.00	
(2 Trucks, 1 Backhoe w/ Trailer		
and 1 Pipe-Pusher for 26 Days)		
Construction Supervision	\$1,650.00	
Contingencies	\$570.00	
Purchases - Other		\$32,240.00

***** Material and Additives*****

Material	\$69,500.00	
Sales and Use	\$3,480.00	
Material Handling &	\$3,480.00	
Material		\$76,460.00

*****Labor and Additives*****

Labor	\$24,230.00	
(4 man crew at \$932.00 a day for: 26 days)		
Payroll Tax &&	\$20,980.00	
Preliminary	\$8,250.00	
Construction	\$6,840.00	
Labor		\$60,300.00
Subtotal		\$169,000.00
Credit:		\$0.00
(Salvage/Scrap		
Project		\$169,000.00

Estimated on: 10-Mar-05

Estimated by: rhray

Estimate valid for 1 year from date of estimate



(Construction) Estimate of Cost

Location and brief description (Sta. and land description of beginning; Sta. only for end for county and road districts; street limits for municipality.)
North approach to Railroad Crossing on TR 436 Petal Road in Clear Lake Township.

Total Project Length	229.05 Feet
Net Length	0.043 Miles

Surface Type	A-2 Bit.
Width	20

Shoulder Type	Earth
Width	2

Bridge or Culvert	
Length	
Width	

Item Number	Items	Unit	Quantity	Unit Price	Total Cost
	CARRIED FORWARD				
1.	Earth Excavation	Cu. Yd.	7.00	25.00	\$ 175.00
2.	Furnished Excavation	Cu. Yd.	136.00	25.00	\$3,400.00
3.	Seeding Class 2 (Special)	Acre	0.30	5,000.00	\$1,500.00
4.	Aggregate Base Course, Type A	Ton	445.00	25.00	\$11,125.00
5.	Bituminous Materials (Cover & Seal Coat)	Gallon	384.00	3.00	\$1,152.00
6.	Cover Coat Aggregate	Ton	7.00	30.00	\$ 210.00
7.	Seal Coat Aggregate	Ton	7.00	30.00	\$ 210.00
8.	Bituminous Materials (Prime Coat)	Gallon	256.00	3.00	\$ 768.00
9.	Railroad Protective Liability Insurance	L. Sum	1.00	3,000.00	\$3,000.00
10.	Railroad Flagman	L. Sum	1.00	4,000.00	\$4,000.00
11.	Traffic Control and Protection Standard - BLR21	L. Sum	1.00	2,500.00	\$2,500.00
<input type="checkbox"/> Page Total		<input type="checkbox"/> Total Estimated Cost			\$28,040.00

Made by JAM

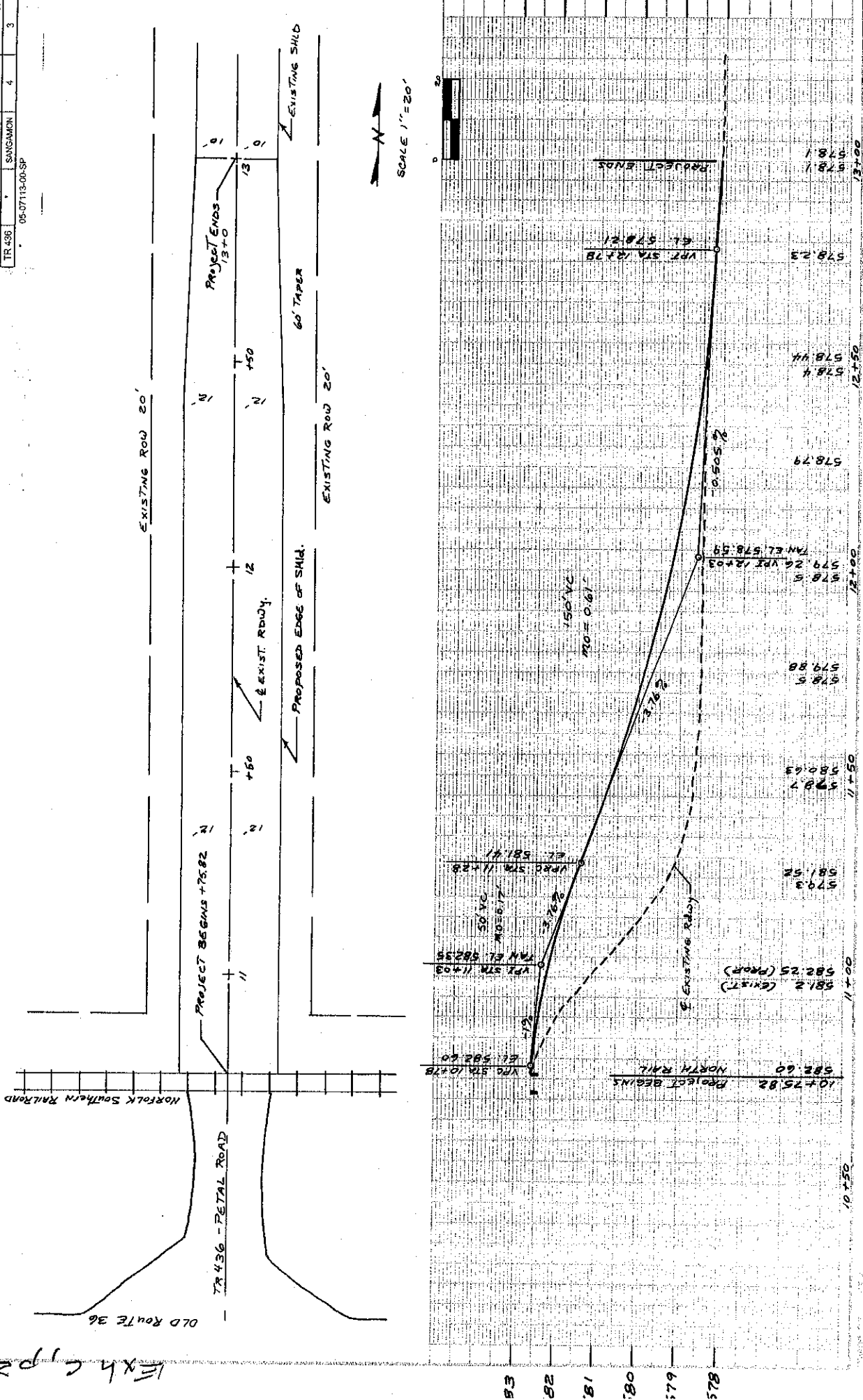
Date 06/02/2005

Checked by _____

Date _____

ROUTE	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
TR 436		SANGAMON	4	3

05-07113-00-SP

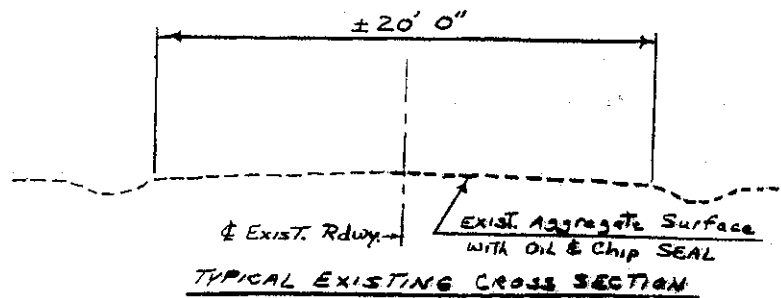
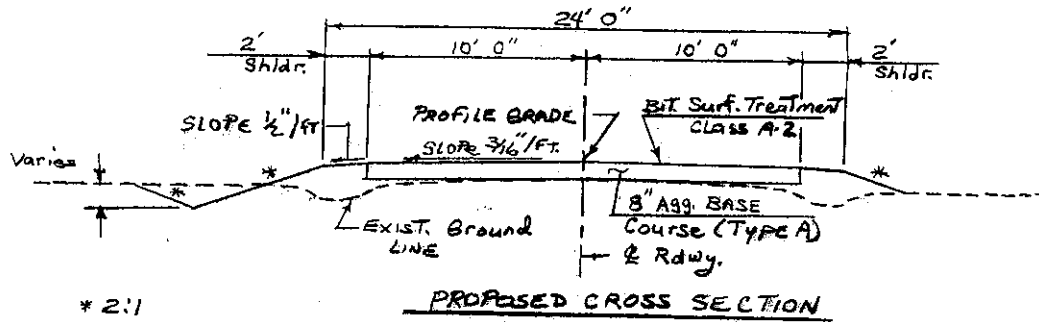


EXH C, pp 2

ROUTE	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
TR 436	*	SANGAMON	4	2

* 05-07113-00-SP

Exh C, p3



Exh C, p4

11
+
50

585.00
580.00
575.00

580.63

11
+
00

585.00
580.00
575.00

582.25

10
+
75.82

590.00
585.00
580.00

582.60

EXISTING ROAD

EXISTING ROAD

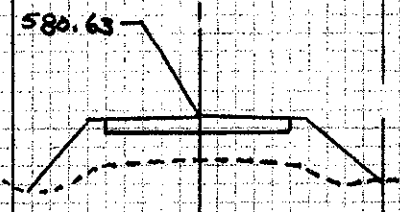
PROJECT BEGINS

60 50 40 30 20 10 0 10 20 30 40 50 60

Exh C, p5

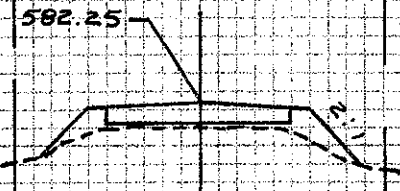
11
+
50

585.00
580.00
575.00



11
+
00

585.00
580.00
575.00



EXISTING ROAD

EXISTING ROAD

10
+
75.82

590.00
585.00
580.00

582.60

PROJECT BEGINS

60 50 40 30 20 10 E 10 20 30 40 50 60

Exhibit D

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1137

Date July 5, 2005

The CLEAR LAKE TOWNSHIP BOARD
(Board or Council of Clear Lake Township)

meeting on July 5, 2005, Resolved to authorize
(Date)

ALEX LYONS - ROAD COMMISSIONER to act as its designated agent in the
(Name, Office)

processing of this Stipulated Agreement and that the Township is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
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PROJECT INFORMATION:

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #:	
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	479 297J; MP 405.42-WC
Street, (in/near) City, County:	Petal Road/TR 436, near Riverton, Sangamon County, IL
Railroad Company:	Norfolk Southern

¹ Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

PROJECT MANAGER INFORMATION²:

Name:	Bob Sharkey
Title:	Construction Engineer
Representing:	Norfolk Southern
Street Address:	99 Spring Street, Box 123
City, State, Zip:	Atlanta, Georgia 30303
Office Phone:	404-527-2887
Office Fax:	404-527-1174
Cellular Phone:	
E-Mail Address:	Robert.Sharkey@nscorp.com

²Project Manager information to be submitted by Clear Lake Township and the Norfolk Southern Railway Company

DESCRIPTION OF IMPROVEMENTS to be ORDERED:

- Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder.
- Installation of temporary STOP signs at the subject crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.
- Reconstruction of the north highway approach.
-

STATUS OF WORK: (use additional blank sheet, if necessary)

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Dick Daniels, Railroad Safety Specialist
Phone: 217-785-8420
Email: rdaniels@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/hg/railroadsafety.aspx>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
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PROJECT INFORMATION:

Reporting Party:	Clear Lake Township
Docket/Order #:	
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	479 297J; MP 405.42-WC
Street, (in/near) City, County:	Petal Road/TR 436, near Riverton, Sangamon County, IL
Railroad Company:	Norfolk Southern

¹ Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

PROJECT MANAGER INFORMATION²:

Name:	Timothy Zahn
Title:	Sangamon County Engineer
Representing:	Clear Lake Township
Street Address:	3303 Terminal Avenue
City, State, Zip:	Springfield, Illinois 62707
Office Phone:	217-535-3070
Office Fax:	217-753-7999
Cellular Phone:	
E-Mail Address:	schd@fgi.net

²Project Manager information to be submitted by Clear Lake Township and the Norfolk Southern Railway Company

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